

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:12 cr 15

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
ROBERT KEITH OWENS,)	
)	
Defendant.)	
<hr style="width:40%; margin-left:0"/>)	

THIS MATTER has come before the undersigned pursuant to a Motion to Correct the Description of a Previously Forfeited Firearm (#32) filed by the Government. On November 26, 2013, United States District Judge Martin Reidinger entered a Consent Order and Judgment of Forfeiture (#28) in regard to the forfeiture of a firearm of Defendant. In its motion, the Government now requests that the Consent Order and Judgment of Forfeiture be amended by the Court to show a corrected a serial number for a forfeited firearm.

LCrR 47.1(B) entitled “Motions Practice in Criminal Cases” provides as follows:

(B) Certificate of Conference With Filing.

Pretrial motions, other than motions to suppress, *ex parte* motions, and notices (notice of substitution of counsel, notice of appearance, notice of intent to present certain types of evidence, etc.) shall include a certification that the moving party has conferred with opposing counsel and state opposing counsel’s position on the relief sought, or

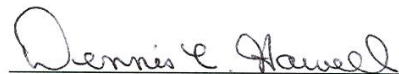
an explanation as to why conferring should not be required under the circumstances. If a hearing on a motion is requested, counsel should estimate the length of such hearing.

The motion of the Government does not show that the Government has consulted with opposing counsel in regard to the relief sought and thus does not show compliance with LCrR 47.1(B). As a result, the motion will be denied without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Correct the Description of a Previously Forfeited Firearm (#32) filed by the Government is hereby **DENIED** without prejudice.

Signed: April 17, 2014

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Dennis L. Howell
United States Magistrate Judge

